REMARKS

The Official Action dated December 30, 2005 has been carefully considered. Additionally, the telephone interview which the Examiner kindly afforded the undersigned on April 4, 2006, is acknowledged and appreciated. In particular, it is believed that the interview discussion will advance prosecution of this matter. In view of the discussions during the interview, which are summarized below, it is also believed that the present Amendment will place the present application in condition for allowance. Reconsideration is respectfully requested.

More particularly, in the interview of April 4, 2006, the undersigned and the Examiner discussed features of claims 40 and 41, and particularly recitation of language articulating structural limitations of the invention, rather than its intended use. The various features of Fig. 23 of the Aibe et al U.S. Patent No. 5,288,306 reference, which was applied in the rejections set forth in the Official Action of December 30, 2005, were also discussed. Although no formal agreements were reached during the interview, it is believed that the claims presented herein are neither anticipated by nor rendered obvious over the references and combinations of references applied in the rejections of the previous Official Action, as discussed below.

By the present Amendment, Claims 22-41 have been amended to clarify the invention. Support for the amendments may be found throughout the present specification, for example at pages 6 and 16. Claim 21 has been cancelled. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

Claims 21-26, 28-31, 33 and 35-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Aibe et al U.S. Patent No. 5,288,306 in view of the Arnold, III U.S. Patent No. 4,995,556. The Examiner relied on Aibe et al '306 as disclosing a system and a method for deodorizing air in a confined space, which includes a passive filter member, referring to Fig. 1,

element 6, that removes malodor from air without the assistance of an air moving member, and a first filter element, referring to Fig. 17, element 127, that contains a first filter medium (col. 17, lines 17-18). The Examiner also asserted that Aibe et al '306, Fig. 23, teach providing a forced air filter member 194 having an air flow path from an inlet to an air outlet, and a second filter element 196 that includes a second filter medium and an air moving member 198. Moreover, the Examiner asserted that Aibe et al '306 teach that the air moving member moves air along the air flow path and through the second filter medium and that the detachable passive filter member is interchangeable with the second filter element in the forced air filter member. The Examiner relied on Arnold, III '556 to teach placing a passive filter member that includes sodium bicarbonate in a refrigerator, but conceded that the reference fails to teach combining the use of a passive filter and a forced air filter. The Examiner asserted, however, that it would have been obvious to modify the method and apparatus of Aibe et al '306 by utilizing the teachings of Arnold, III '556 in order to maximize the rate of deodorization of air inside refrigerators by combining passive and active deodorizers.

This rejection is traversed and reconsideration is respectfully requested as the combination of teachings of these two cited references does not suggest the presently claimed invention. None of the references, either alone or in combination, teach a system, method or apparatus with each and every element as presently recited in the claims, together with the improved properties thereof. Indeed, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated, *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). The cited references do not teach or suggest each and every claim limitation.

As defined by claim 40, the system for deodorizing air according to the invention comprises a passive filter member and a forced air filter member. The passive filter member comprises a first filter element comprising a first filter medium which at least partially comprises sodium bicarbonate, and the passive filter member being adapted to remove malodor from air

without the assistance of an air moving member. The forced air filter member has an air flow path from an air inlet to an air outlet, and comprises a second filter element and an air moving member, the second filter element comprising a second filter medium which at least partially comprises sodium bicarbonate, the air moving member having a housing and being adapted to move air along the air flow path and through at least a portion of the second filter medium. The second filter element is positioned on an upper exterior portion of the housing and detachable from the air moving member, and interfacing parts of the second filter element and the upper exterior portion of the housing have complimentary surface topography. The passive filter member is interchangeable with the second filter element for positioning on the exterior portion of the housing. Similarly, the method for deodorizing air in confined space of claim 35 employs a passive filter member and a forced air filter member as defined in claim 40. Moreover, the apparatus for deodorizing air of claim 41 presented herein includes a forced air filter member and a filter element similar to the second filter element of claim 40. Accordingly, the systems, methods and apparatus defined by the claims provide a convenient and versatile means for deodorizing air. Additionally, the systems, methods and apparatus of the invention allow the filter elements to be easily replaced as necessary for extended use.

Thus, each of claims 35, 40, and 41 require the filter element of the forced air filter member to be positioned on an upper exterior portion of the air moving member's housing and detachable from the air moving member. Additionally, each of claims 35, 40, and 41 require the interfacing parts of the second filter element and the upper exterior portion of the housing to have complimentary surface topography. Thus, claims 35, 40, and 41 presently recite structural limitations of the invention, rather than an intended use, as the filter element of the forced air filter member is positioned on an upper exterior portion of the air moving member's and the interfacing parts of the second filter element and the upper exterior portion of the housing have complimentary surface topography. To the contrary, while Aibe et al '306 show a first

embodiment of their device in Fig. 1, a second embodiment in Fig. 17, and a third embodiment in Fig. 23, Applicants find no teaching by Aibe et al '306 or Arnold, III '556 for selectively combining any of the elements of these embodiments to result in the presently claimed systems, methods, and apparatus. As such, the combination of cited references does not teach or suggest each and every claim limitation and therefore does not support a rejection under 35 U.S.C. §103.

Accordingly, the cited combination of references does not support a rejection under 35 U.S.C. §103, whereby the rejection has been overcome.

Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Aibe et al '306 in view of Arnold, III '556 and the Peludat U.S. Patent No. 5,624,311. The Examiner relied on Peludat to teach the combination of a sodium bicarbonate filter with a fan.

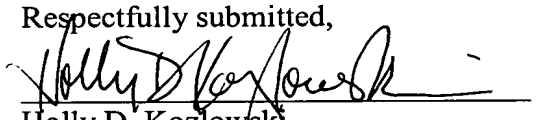
This rejection is traversed and reconsideration is respectfully requested. That is, the deficiencies of Aibe et al '306 and Arnold, III '556 discussed above apply equally as well in this rejection and are not resolved by Peludat. Applicants find no teaching by Aibe et al '306, Arnold, III '556 or Peludat disclosing a filter element of a forced air filter member positioned on an upper exterior portion of an air moving member's housing and being detachable from the air moving member. Additionally, Applicants find no teaching by Aibe et al '306, Arnold, III '556 or Peludat that the interfacing parts of the second filter element and the upper exterior portion of the housing have complimentary surface topography. As such, the cited references, alone or in combination, do not provide the requisite suggestion of desirability for modification of the Aibe '306 device. Further, Peludat's teaching of a fan does not teach or suggest the claimed combination of elements. Accordingly, the cited combination of references does not support a rejection under 35 U.S.C. §103, whereby the rejection has been overcome.

Claims 32 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aibe et al '306 in view of Arnold, III '556 and the Ganz U.S. Patent No. 2,025,657. The Examiner relied on Ganz to teach a hemispherical filter member.

This rejection is traversed and reconsideration is respectfully requested. That is, the deficiencies of Aibe et al '306 and Arnold, III '556 discussed above apply equally as well in this rejection and are not resolved by Ganz. Applicants find no teaching by Aibe et al '306, Arnold, III '556 or Ganz disclosing a filter element of a forced air filter member positioned on an upper exterior portion of an air moving member's housing and being detachable from the air moving member. Additionally, applicants find no teaching by Aibe et al '306, Arnold, III '556 or Ganz disclosing that the interfacing parts of the second filter element and the upper exterior portion of the housing have complimentary surface topography. The isolated teaching by Ganz of a hemispherical filter member does not teach or suggest the claimed combination of elements. As such, the cited references, alone or in combination, do not provide the requisite suggestion of desirability for combining their teachings along the lines of the presently claimed inventor. Accordingly, the cited combination of references does not support a rejection under 35 U.S.C. §103, whereby the rejection has been overcome.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §103(a), and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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